Scott. II-27—58,004—27-10-47.

# PHH (1948) Department.

(288)

Ms SERIES.

G.O. NO. 3402 PH

Dated 6.10.48

D to B

[Despatch Abstract.]

Establishment – Govt. Wellesley T.B. Sanatorium,
Patient – Sri T.S. Vaidyanathan, Laboratory Asst. –
Break in service – Condonation – Declined

M2 Bellary, 4th May, 1948.

From

T. S. VAIDYANATHAN,
Laboratory Assistant,
Government Wellesley Tuberculosis Sanatorium,
Bellary.

To

The Secretary to the Government,
A3/1215/48
Department of Education
Madras.

Through Proper channel.

Sir,

Please allow me to bring to your kind notice the following facts with regard to my plea for restoring Continuity of Service between my previous appointment as "School Assistant" in the Educational Subordinate Service and my present appointment as 'Laboratory Assistant' in the Medical Subordinate Service.

2. After my discharge from War Service as chemical Assistant in June, 1946, I had applied both to Surgeon-General and the Madras Public Service Commission for Considering me for appointment in the Reserved vacancies of "Laboratory Assistant" and "School Assistant" in ~~their~~ the respective Departments, namely, the Medical and the Education Departments.

2A. I was first interviewed by the Service Commission in August, 1946, and was offered the appointment as 'School Assistant'. As I was unemployed at that time, I took up the post

from 11th March, 1947 and remained there ever since.

3 In March, 1948, in answer to my application to the Surgeon General, I was offered the post of 'Laboratory Assistant' in the scale Rs 80-5-120-10-180 in the Medical Subordinate Service. As in the Education Department I was expected to undergo B.T. Course within the period of probation at my own expense at Madras and as the new post in the Medical Department was in keeping with my taste, ~~and~~ training ~~during the 1 year period~~ and previous ~~train~~ experience, I requested the Director of Public Instruction, Madras, to relieve me from the Education Dept. so as to join the Medical Department without any break in service in his L. Dis. No. 1021-C4/48 dated 18-3-'48,

4 The Director having ordered that I should resign my post in case I take up the new one I had to resign my post of 'School Assistant' on 7th April, 1948. I joined the new post of 'Laboratory Assistant' on 16th April, 1948.

5 As I had sixteen days' earned leave to my credit in the Education Department, the eight days' interim period between the resignation of my old post and the acceptance of the new post may kindly be treated as earned leave or transit period ~~as~~ so that the thirteen months' service in the Education Department may be added to my credit.

6 In case my plea is rejected, I shall

put to a financial loss of Rs. 120. per year besides the loss of seniority.

2. As I have not yet received my service register from the Education Dept., I shall send it as soon as it is received, for your kind perusal

Praying my case would receive favourable Consideration at your hands,

I beg to remain,
Sir,
Your most obedient servant,
T S Vaidyanathan

No: A3/1215/48

The District Medical Officer in-charge,
The Govt. Wellesley Tuberculosis
Sanatorium, Bellary.

Ex/4/5/48 Govt. 33 435/48-1 G2 DH

Edn & DH Dept.
14/5/48

Returned for remarks through the Surgeon General with reference to Nasras

Dy. Secretary to the Govt of Nasras
Edn & DH Dept

To The District Medical Officer

A3. 1362/48

Re-submitted through the Surgeon
General with the [illegible]

[illegible]

Lieut Col. MBBS FRCP (Edin)
The District Medical Officer in-charge,
The Govt. Wellesley Tuberculosis
Sanatorium, Bellary.

43143

Ref. 42356-1 M2.

Office of the Surgeon-General
with the Government of Madras
Madras 6, Dated 7th June 1948

Endorsement.

Forwarded.

According to rule 33 of the General rules for the Provincial and Subordinate Services, resignation of an appointment entails forfeiture of past-service. But according to the proviso to the rule, nothing contained in that rule, will affect the operation of clause (b) of Article 418 or Article 422 of the Civil Services Regulation. Article 418(b) of the Civil Services Regulation provides that resignation of an appointment to take up another appointment, service in which counts, is not a resignation from the public service entailing the consequence specified in clause (d) of that Article, namely, forfeiture of past service. The petitioner says that he had to resign his appointment in the Education Department to take up the post in the Medical Department. The question as to whether his case may be brought within the purview of the rules cited above, may be decided by Government. In this connection, a reference is invited to G.O.No. 1296 P.H. dated 17th May 1948.

V. Ramamurthi
For Surgeon-General with the
Government of Madras.

To

The Secretary to Government,
Education and Public Health Department.

s.r.9/6

T. M. Ly. Inst. 7 12/7 Q.

C.No 431 48/48.

From

The Dy. Secretary to Govt.
Edn & PH Dept.

To

The DA to S.G.
Madras

Ref: S.G's Endt No. 42356-1 M2 dated 9.6.1948

Please send urgently a Copy of G.O No. 1296. PH dated. 17.5.1948 & Reference to in the Endt. Cited above as the same is not readily available here.

13/7/48

12.7.48

12/7/48

12/7/48

FDH

The G.O was issued in the Secretariat. It has not been sent to the record yet. A

research was made on $N_2$ stechi. but the G
Curve must be traced. + –

Ans
12-7-68

JRR
12-7-68

Medical Department.

From

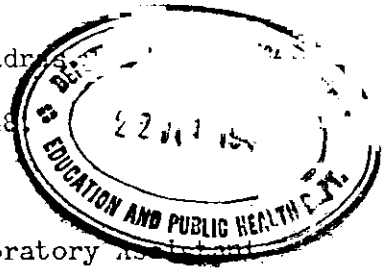
Colonel S.L. Bhatia, CIE. MC. MA. MD(Cantab.),FRCP(Lond.),FRS(E),
Surgeon-General with the Government of Madras, Madras 6.

To

The Secretary to Government,
Education and Public Health Department, Madras.

54530

Ref.No. 41356-1-M2 dated 20-7-48.




Sir,

Sub:- Petition - Sri T.S. Vaidyanathan, Laboratory Assistant, Government Wellesley Tuberculosis Sanatorium, Bellary- interruption in service.

===

Ref:- Telephonic Message dated 13-7-48 of the Education and Public Health Department.

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I forward herewith a copy of G.O. Ms. No.1296 P.H. dated 17-5-1945. The correct date of G.O. is 17-5-1945.

Yours faithfully,

for Surgeon-General with the Government of Madras.

Government of Madras.

Abstract.

PETITION - Sri V. Krishnamurthy - Ex-clerk - District Medical Officer's Office, Kistna - Reinstatement after interruption in service - Orders passed.

P.T.O.

EDUCATION AND PUBLIC HEALTH DEPARTMENT.

G.O.Mis.No.1296 P.H. dated the 17th May, 1945.
Read the following.-

From Sri D. Krishnamurthy petition, dated 3rd November 1944.
From the Surgeon-General, R.No.6767-G, dated 14th Feby., 1945.

O R D E R.

The petitioner, Sri D. Krishnamurthy resigned his post in the Medical Department on his selection for appointment as a Deputy Surveyor in the Survey Department. According to the proviso to rule 33 of the General Rules, nothing contained in that rule shall affect the operation of clause (b) of Article 418 or Article 422 of the Civil Service Regulations Article 418(b) of the Civil Service Regulations provides, that resignation of an appointment to take up another appointment, service in which counts, is not a resignation from the public service entailing the consequence specified in clause (a) of that Article, namely forfeiture of past service. Since, however, Sri D. Krishnamurthy had a day's interruption in his past service from 5-2-44 (the date when he was relieved from the Medical Department) to 6-2-44 (the date when he joined the Survey Department) Article 420 of the Civil Service Regulations would come to operate and entail forfeiture of his past service. The Government consider that this period of break should be condoned as a special case under Article 422 of the Civil Service Regulations. The Surgeon-General is therefore requested to instruct the appointing authority in this case (the District Medical Officer) to condone the interruption in his service and to re-appoint him as clerk in the Medical Department.

===

True copy.

for Surgeon-General with the Government of Madras.

E 20/7

E & P. H (G2)

Subj: Establishment - Govt. Wellesley T.B. Sanatorium, Bellary - Sri. T.S. Vaidyanathan, Laboratory Asst. - Break in Service - Condonation - Declined.

Read: (1) Petition from Sri T.S. Vaidyanathan dated 4-5-1945
(2) Endt. from this S.G. No 4235-M2 dated 9-6-1948.

Order/MS No 3402 P.H. dated 6/10/48

~~The provision of article~~ Notice 418(b) of the C.S.R applies only in the case of a person, who resigns one appointment to take up another appointment, the Service in which (latter appointment) counts for pension, i.e., his ~~second~~ new appointment should be in a substantive capacity. ~~The appointment of Sri. T.S. Vaidyanathan as Lab. Asst. in the Govt. Wellesley T.B. Sanatorium, Bellary, being on a temporary basis, the benefit of article 418(b) in C.S.R cannot be extended to him and the proviso to rule 33 of the general rules does not apply to his case.~~ The S.G. is requested to inform the petitioners accordingly.

Govt. Considered the proviso to Rule 33 of the general rules for New Entrants and Art. 418(b), C.S.R do not apply to this case in Question and Rejd.

Sri. Vaidyanadan by his resignation forfeited all his past service in Govt. and he forfeited service will not count for any purpose.

TO

The S.G/
A.G. thro' Finance
Finance Dept.
Public Service
Spare copy for Stock File.

[illegible]
[illegible]
[illegible]

[illegible]

Encl:-

1. [illegible]
2. [illegible]

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[illegible]

[illegible] contains that the powers to [illegible] rules for [illegible] also do not apply to the case in question and that the [illegible] the [illegible] service will also [illegible] is requested to [illegible]

(By Order of the Secretary of the Commission)

[illegible]
Joint Secretary to the Commission.

To
The Superintendent, Civil Hospital, [illegible],
The Executive Engineer, [illegible] Division,
The Divisional Engineer, [illegible] Division,
The Public Services Department,
The [illegible] for [illegible]
The [illegible].

Two copies/Memorandum etc.

C 20—4.3.48/4.8 Subs: Establishment — Sel: Asst — Govt Wellesley TB — Sanction for min. Bellary in Sri T. S. Vaidyanathan — Broad in service. Condonation of.
Petition from Sri T. S. Vaidyanathan dated 4.5.48
From the S.G. Endt No. 42356-1/5 dated 9.6.48.

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Please see the petition from Sri T. S. Vaidyanathan and the remarks of the S.G. thereon at p. 6 C/f.

2 Sri. T. S. Vaidyanathan a war service candidate was selected by the M.P.S.C for appointment as School Assistant in the Madras Educational Subordinate service and was appointed entertained in service on 11.3.1947. After one years service the candidate applied for the post of a Lab Assistant in the Medical department and was selected for appointment to the post. He was however not relieved from the Education Dept to take up the appointment in the Medical dept. He therefore resigned his appointment in the Education dept on 7.4.48 and joined the new appointment in the Med. Dept on 16.4.48. He has thus a break in his service for 8 days. He now requests that this 8 days break may either be treated as earned leave for which he is eligible or as transit period and he may also be permitted to count his previous service in the Education dept.

3 The S.G. points out that rule 33 of the general rules for Govt. of Subordinate Services is not applicable in this case as it comes under the proviso to that rule in as much as the petitioner resigned his original appointment to take up another appointment in Govt service. He also reports that the question as whether this case may be brought within the purview of Article 418 (b) and 422 of the C.S.R may be considered by Govt.

4 It appears from para 6 of the petition at pages 3-4 C/f that the main reason for counting the previous service in the Education dept is to

enable him to get seniority in the new post and also to count this ~~previous~~ service for increment in the new post... Under rule 29 of the general rules for Pool of Subordinate Service the Annl. of a person in a service, class, category or grade shall be determined by the date of his first appointment to such service, class, category or grade. The post of 'School Assistant' comes under Category 4 of Class I of the M.E.S.S. A Men's Branch and the post of 'Lab. Asst.' comes under Category 1, Class I Branch IV general, M.M.S.S. Therefore the services of the petitioner in the Edn. Dept will not entitle him to any seniority in the ~~appt~~ Med. Dept even if there were no break in the service. Under ~~rule~~ 2-F.R 26 the duty in the post of School Assistant will not count for increment in the post of Lab. Asst as the time scales of pay of the two posts are different (x) Therefore even if the case is brought ~~under sec~~ 418(b) of the C.S.R within the purview of sec 418 (b) CSR, ~~the only benefit~~ the petitioner will get ~~in the leave~~ only the benefit of the leave earned during the (x) period of service as School assistant in the Education dept. (x) In the circumstances there seems to be no necessity to consider the petitioner's request. The Remarks of Pub (Services) ~~may~~ ~~and Finance may~~ be invited

21/7/48

Pub(Sers)

Finance

29.7.48

27.7.48

Pub(Sers) Dept

Pl. see the note of E & PH on pp 1-2 above.

That Dept may be requested to state whether Sri T.S. Vaidyanathan was holding the post of an School Asst in the Madras Educational Sub. Service from 11-3-1947 to 7-4-1948 in a regular capacity or only under the emergency provisions.

There were some discussions in 1946 or 1947 about the

A Why this information

B

7.8.48

5/8/48

1947. 3 AUG 1948

scope of the proviso to Fl Rule 33. Pl put them u/s.

T. Siva

Pub (Ser) Dep

A.S's query at 'A' on p 2 ante

If the appt of Sri. Vaidyanathan in the Education Dept was under the emergency provision there is no question of counting that service for any purpose.

'B' on p 2-3 above.

A.S. is presumably referring to the discussion in the Home Dept. Memo. No. 49379 J/4 dated 11.4.46 at (J).

In view of the position explained in the note on p 14 of (J), the proviso to rule 33 of the Fl Rules does not apply to this case. Sri Vaidyanathan has by his resignation forfeited all his past service. The forfeited ~~service~~ (whether under a regular appt. or under emergency provision) will not count for any purpose.

17/8/48

17/8/48

Fin (Fls)

The notes on pp 1-3 above may be perused. Finance may agree with the views of Public 'A' above

23/8

E-PH

Draft submitted.

25/8/48

ATO

Fin No. 78439 Fin-1
23-8-48

DEPUTY SECRETARY TO GOVT
62957
1948
FOUNDATION AND PLINTH

(4) Pers

C N° 6311/3

Pub (Ser) may please state whether the present decision will not be against that taken on (N) below, which seems to be a similar case

30/8/48

E.P.H.O.O 43143/2-2-6-1/48

30-8-48

Pub (Ser)

B

Public (Services) Department.

E & P.H. Joint Secretary's query at 'A' above:

Submitted that the view expressed at 'A' on p.3 ante is no doubt against that taken in 'N'. The view at 'A' on p.3 ante is based on the discussions in the papers at (J). This is the latest view. E & P.H. may let Finance also see the draft memo below before issue.

2183
31 AUG 1948
CHIEF SECRETARIAT
ASSISTANT SECRETARY TO GOVERNMENT

Pub (Ser) 0.0 2183/48

8/9/48

2/9/48

8/9/68

E+PH

ASST. SECRETARY TO GOVERNMENT
11 SEP 1948
EDUCATION AND PUBLIC HEALTH DEPT.

E+PH.

G2

With reference to the suggestion of Pub (Ser) in their note above, the file may be sent to Fin. for remarks.

14.9.48

10-9-48

Finance

67718

10.9.48

PH memo 43143 G

10.9.48

Fin (Pers)

(Last seen by Finance on p 3 above)

The further notes and the draft order below may be perused and the case returned to E+P.H.

21.9.48

G2

Fin no. 85667 P2

21-9-48

The draft order below may issue.

22/9/48

22/9/48

6 - OCT 1948
PUBLIC HEALTH

ASST. SECRETARY TO GOVERNMENT
70508
22 SEP 1948
EDUCATION AND PUBLIC HEALTH DEPT.